

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

IN RE: Church, Terry & Wendy
Debtor(s)

Case No. 09-31299
Chapter 13

CHAPTER 13 PLAN

 X Original Amended Date: October 24, 2009

YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provisions of this plan or any motion included below must file a timely written objection. This plan may be confirmed and the motions included below may be granted without further notice or hearing unless written objection is filed before the deadline stated on the separate Notice you should have received from the bankruptcy court. If you have a secured claim, this is notice that your lien may be voided or modified if you do not object to this plan.

THIS PLAN DOES NOT ALLOW CLAIMS. You must file a proof of claim to be paid under any plan that may be confirmed.

1. PAYMENT AND LENGTH OF PLAN

- (a) Debtors will pay \$ **400.00** per month for 60 months to trustee: \$ 24,000.00
(b) Other payments to trustee: None
(c) Total amount to be paid to Trustee shall be not less than **\$ 24,000.00**

2. PRIORITY CLAIMS (INCLUDING ADMINISTRATIVE EXPENSES & SUPPORT

All allowed priority claims will be paid in full unless creditor agrees otherwise:

Creditor:	Scheduled Amount:	Monthly Payment:	Beginning in Month #:	Number of Payments:	TOTAL:
Bulie Law Office	\$2,500.00	\$360.00	1	6	\$2,500.00
		\$340.00	7	1	

3. SECURED CLAIMS: MOTIONS TO VALUE COLLATERAL AND VOID LIENS UNDER 11 U.S.C. §506.

- (a) Debtor moves to value collateral as indicated in the “value” column immediately below. Trustee shall pay allowed secured claims the value indicated or the amount of the claim, whichever is less. The portion of any allowed claim that exceeds the value indicated shall be treated as an unsecured claim. Debtor moves to void the lien of any creditor with “NO VALUE” specified below.

Creditor	Collateral	Scheduled Debt	Interest Rate	Monthly Payment
NONE				

- (b) Debtor surrenders or abandons the following collateral. Upon confirmation, the stay is lifted as to surrendered or abandoned collateral

Creditor:	Collateral to be Surrendered or Abandoned:
NONE	

- (c) Debtor retains the following collateral and keeps payments current. Payments will be made directly to creditor outside of plan.

Creditor:	Collateral:	Scheduled Debt:	Monthly Payment:
Dakota Bank	Machinery	\$ 7,960.00	\$300.00
HSBC	2007 Yamaha V Star 1200	\$12,312.00	\$155.00

4. UNSECURED CLAIMS

- (a) **Not Separately Classified.** Allowed non priority unsecured claims shall be paid:

Not less than \$ _____ to be distributed pro rata

X Not less than 40.10 per cent

Other: _____

(b) Separately Classified Unsecured Claims

Creditor:	Basis for Classification:	Treatment:	Amount:
NONE			

5. CURING DEFAULT AND MAINTAINING PAYMENTS

- (a) Trustee shall pay allowed claims for arrearages, and Trustee shall pay regular post petition contract payments to these creditors:

Creditor:	Collateral or Type of Debt:	Estimated Interest Rate:	Monthly Arrearage Payment:	Regular Monthly Payment:
NONE				

- (b) Trustee shall pay allowed claims for arrearages, and Debtor shall pay regular post petition contract payments directly to these creditors:

Creditor:	Collateral or Type of Debt:	Amount of Default	Interest Rate:	Beginning in Month:	Ending in Month:	Monthly Payment:	Total Payments:
NONE							
TOTAL PAYMENTS:							NONE

6. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

Executory contracts and unexpired leases are assumed or rejected as follows:

Creditor/Lessor:	Property Description:	Assume/Reject:
NONE		

7. SUMMARY OF PLAN PAYMENTS AND DISTRIBUTIONS.

Payments by Debtors: \$ **400.00** per month for **60 months** **\$ 24,000.00**
Other: \$ _____ Description: _____ NONE

Total to be Paid into Plan \$ 24,000.00

Payments from Plan:

Priority & Administrative Claims

Trustee	\$ 2,400.00
Attorney Fee	\$ 2,500.00
Priority Unsecured	\$
Other	\$

Total Priority & Administrative Payments from Plan \$ 4,900.00

Secured Debt Arrearages to be paid through Plan \$ none

Regular Secured Debt Payments to be Paid through Plan \$ none

Total Priority, Administrative, and Secured Debt Paid from Plan \$ 4,900.00

Balance available for Unsecured Creditors \$ 19,100.00

Unsecured Portion from Schedule D: \$

Unsecured Debt from Schedule F: \$ 47,627.82

Total Unsecured Debt: \$ 47,627.82

Percent payable on unsecured debt: **40.10%**

8. OTHER PLAN PROVISIONS AND MOTIONS

(a) **Motion to Avoid Liens under 11 U. S. C. § 522(f).** Debtor moves to avoid the following liens that impair exemptions:

Creditor:	Collateral:	Amount of Liens to be Avoided:
NONE		

(b) **Lien Retention.** Except as provided above in Section 5, allowed secured claim holders retain liens until:

___ Liens are released at discharge.

X Liens are released upon payment of allowed secured claim as provided above in Section 3.

___ Liens are released upon completion of all payments under the plan.

(c) **Vesting of Property of the Estate.** Property of the estate shall revest in Debtor:

X Upon confirmation

 Upon Discharge

 Other: _____

(d) **Payment Notices.** Creditors and lessors provided for above in Sections 5 or 6 may continue to mail customary notices or coupons to the Debtor or Trustee notwithstanding the automatic stay.

(e) **Order of Distribution.** Trustee shall pay allowed claims in the following order:

Trustee Commissions
Other Administrative Claims
Priority Claims
Secured Claims
General Unsecured Claims

(f) **Debtors commit all disposable income to the plan.**

Dated: 10/24/09

/s/ TERRY CHURCH
Signature of Debtor

/s/ KENNETH B. BULIE
Signature of Debtor's Attorney

/s/ WENDY CHURCH
Signature of Joint Debtor (if any)

IN RE:

Case No. **09-31299**

Church, Terry & Church, Wendy

Chapter **13**

Debtor(s)

CERTIFICATE OF MAILING

The undersigned hereby certifies that a true copy of the following document(s):
Chapter 13 Plan

was(were) mailed to all persons in interest at the addresses set forth in the exhibit which is attached hereto, by first class mail, postage prepaid, on this 5th day of November, 2009.

/s/ Kenneth B. Bulie

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Bank Of America
Bankruptcy NC4-105-02-77
PO Box 26012
Greensboro, NC 27410

Chase
800 Brooksedge Blvd
Westerville, OH 43081-2822

Citizens Community Credit Union
PO Box 1000
Devils Lake, ND 58301-1000

Creditors Interchange
80 Holtz Drive
Buffalo, NY 14225

Dacotah Bank
308 S Main St
Aberdeen, SD 57401-4146

Gemb/Lowes Pc
PO Box 981416
El Paso, TX 79998-1416

HSBC
PO Box 15522
Wilmington, DE 19850-5524

Lowe's
PO Box 2510
Tuscaloosa, AL 35403-2510